

116TH CONGRESS  
1ST SESSION

# H. R. 1208

To amend the Immigration and Nationality Act to waive certain requirements for naturalization for American Samoan United States nationals to become United States citizens, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2019

Mrs. RADEWAGEN introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Immigration and Nationality Act to waive certain requirements for naturalization for American Samoan United States nationals to become United States citizens, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. WAIVER OF CERTAIN NATURALIZATION RE-**  
4 **QUIREMENTS FOR AMERICAN SAMOAN**  
5 **UNITED STATES NATIONALS TO BECOME**  
6 **UNITED STATES CITIZENS.**

7 (a) FINDINGS.—The Congress finds the following:

1           (1) Under the Immigration and Nationality  
2       Act, persons born in Puerto Rico, Guam, the United  
3       States Virgin Islands, and the Commonwealth of the  
4       Northern Mariana Islands are citizens of the United  
5       States at birth. Persons born in the United States  
6       territory of American Samoa are nationals of the  
7       United States, but not citizens, at birth.

8           (2) The term “national of the United States”  
9       is defined under the Immigration and Nationality  
10      Act to include persons who, though not citizens of  
11      the United States, owe permanent allegiance to the  
12      United States.

13          (3) For more than 100 years, American  
14      Samoans who are United States nationals have dem-  
15      onstrated their loyalty and allegiance to the United  
16      States. On April 17, 1900, the village chiefs of  
17      Tutuila and Aunu’u ceded their islands to the  
18      United States. On July 16, 1904, his Majesty King  
19      Tuimanu’a of the Manu’a Islands and his village  
20      chiefs did the same. On February 20, 1929, the  
21      Congress officially ratified the Treaty of Cession of  
22      Tutuila and Aunu’u and the Treaty of Cession of  
23      Manu’a. On March 4, 1925, by Joint Resolution of  
24      the Congress, American sovereignty was officially ex-  
25      tended over Swains Island and it was placed under

1 the jurisdiction of the government of American  
2 Samoa.

3 (4) Since ratification of the Treaties of Cession,  
4 many American Samoans who are United States na-  
5 tionals have joined the United States Armed Forces  
6 and fought for the United States during World War  
7 II, the Korean, Vietnam, and Persian Gulf wars,  
8 and most recently in Iraq and Afghanistan.

9 (5) However, in order for American Samoans  
10 who are United States nationals to become United  
11 States citizens, they must follow the same procedure  
12 as aliens lawfully admitted for permanent residence.  
13 This procedure requires, among other steps, an ap-  
14 plication, fingerprinting, an interview, an English  
15 language and civics examination, and participation  
16 in an oath ceremony. The procedure may take years  
17 to complete.

18 (6) Given that American Samoa's education  
19 system is structured to closely resemble that of pub-  
20 lic schools in the United States, that courses on  
21 United States history, civics, and government are  
22 thoroughly taught, that English is the language of  
23 public school instruction, and that United States na-  
24 tionals by definition owe permanent allegiance to the  
25 United States, it is in the national interest that

1 United States nationals be allowed to become United  
2 States citizens by more expeditious means.

3 (b) NATURALIZATION OF CERTAIN RESIDENTS OF  
4 AMERICAN SAMOA.—Section 325 of the Immigration and  
5 Nationality Act (8 U.S.C. 1436) is amended to read as  
6 follows:

7 **“SEC. 325. NATIONALS BUT NOT CITIZENS OF THE UNITED**  
8 **STATES; RESIDENCE WITHIN OUTLYING POS-**  
9 **SESSIONS.**

10 “(a) ELIGIBILITY FOR NATURALIZATION.—A person  
11 not a citizen who owes permanent allegiance to the United  
12 States, and who is otherwise qualified, may—

13 “(1) if the person becomes a resident of any  
14 State, be naturalized upon compliance with the ap-  
15 plicable requirements of this title, except that in ap-  
16 plications for naturalization filed under the provi-  
17 sions of this section, residence and physical presence  
18 within the United States within the meaning of this  
19 title shall include residence and physical presence  
20 within any of the outlying possessions of the United  
21 States; or

22 “(2) if the person has continuously resided in  
23 any State or outlying possession of the United  
24 States from birth to the date of approval of the ap-  
25 plication, be naturalized upon compliance with the

1 applicable requirements of this title other than sec-  
2 tions 312 and 337(a) and paragraphs (1) and (2) of  
3 section 316(a).

4 “(b) JURISDICTION.—

5 “(1) IN GENERAL.—The Secretary shall provide  
6 that applications, interviews, filings, oaths, cere-  
7 monies, or other proceedings under this title, to the  
8 extent applicable, are available in an outlying posses-  
9 sion of the United States with respect to—

10 “(A) any applicant for naturalization  
11 under subsection (a)(2);

12 “(B) any applicant for naturalization  
13 under section 328 or 329 who is a resident of  
14 an outlying possession of the United States; or

15 “(C) any child described in section  
16 322(a)(5)(B) for whom an application is made  
17 under section 322.

18 “(2) LIMITATION.—Notwithstanding any other  
19 provision of law, including sections 310(c) and  
20 336(b), no court shall have jurisdiction over any ap-  
21 plication for naturalization filed by or on behalf of  
22 a resident of an outlying possession of the United  
23 States.

24 “(c) CONSTRUCTION.—In determining eligibility for  
25 naturalization under subsection (a)(2)—

1           “(1) absence from any State or outlying posses-  
2           sion of the United States for a continuous period of  
3           more than 180 days shall break the continuity of  
4           such residence, unless the person establishes to the  
5           satisfaction of the Secretary of Homeland Security  
6           that the person did not abandon such person’s resi-  
7           dence during such period;

8           “(2) in conducting the investigation and exam-  
9           ination of the person under sections 332(a) and 335,  
10          the Secretary of Homeland Security may in the dis-  
11          cretion of the Secretary waive a personal interview  
12          of the person; and

13          “(3) the Secretary of Homeland Security, in the  
14          discretion of the Secretary, may impose a reduced  
15          fee for an application for naturalization under such  
16          subsection compared to other applications for natu-  
17          ralization, taking into account the relative costs of  
18          processing an application for naturalization under  
19          such subsection.”.

20          (c) CHILDREN RESIDING IN AMERICAN SAMOA.—  
21          Section 322(a)(5) of the Immigration and Nationality Act  
22          (8 U.S.C. 1433(a)(5)) is amended to read as follows:

23                 “(5) The child—

1                   “(A) is temporarily present in the United  
2                   States pursuant to a lawful admission, and is  
3                   maintaining such lawful status; or

4                   “(B) is present and resides in an outlying  
5                   possession of the United States”.

6 **SEC. 2. SENSE OF CONGRESS REGARDING POLITICAL STA-**  
7 **TUS EDUCATION IN AMERICAN SAMOA.**

8           It is the sense of the Congress that the Secretary of  
9 the Interior may provide technical assistance to the Gov-  
10 ernment of American Samoa under section 601(a) of the  
11 Act entitled “An Act to authorize appropriations for cer-  
12 tain insular areas of the United States, and for other pur-  
13 poses”, approved December 24, 1980 (48 U.S.C.  
14 1469d(a)), for public education regarding political status  
15 options only if the political status options are consistent  
16 with the Constitution of the United States.

17 **SEC. 3. REFERENDUM ON UNITED STATES CITIZENSHIP.**

18           The Secretary of the Interior is authorized to make  
19 a grant to the Chief Election Officer of American Samoa  
20 for the purpose of providing funds necessary to include  
21 on the ballot in the first general election held in American  
22 Samoa after the date of the enactment of this Act, and  
23 to report to Governor of American Samoa and the Con-  
24 gress the results of, a referendum on the following ques-  
25 tions:

1           (1) “Should all nationals of the United States  
2           who are residing in American Samoa on the date on  
3           which this referendum takes place be declared to be  
4           citizens of the United States?”; and

5           (2) “Should all individuals who are born in  
6           American Samoa after the date on which this ref-  
7           erendum takes place be declared to be citizens of the  
8           United States at birth?”.

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